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Putative Class Members

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

J.L. BOYD, III, *et al.*,

Plaintiffs,

v.

ROBERT LUNA, *et al.*,

Defendants.

2:24-cv-05716-SPG

**PLAINTIFFS' OBJECTION TO
"DEFENDANTS' NOTICE OF
NEWLY AVAILABLE EVIDENTIARY
SUPPORT FOR THEIR OPPOSITION
TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION," DOC.
53**

November 20, 2 2024
1:30 p.m.
Courtroom 5C

Judge Sherilyn Peace Garnett

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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs object to defendants' notice of newly available evidence, Doc.. 53, submitted in opposition to plaintiffs' motion for a preliminary injunction, Doc. 51. Doc. 53 should be stricken.

1. Defendants' Nov. 6 filing in fact is a reply to a reply on a motion and is an actual and impermissible reply to plaintiffs' reply on the instant motion. The Local Rules do not permit a reply to a reply on a motion. *See* L.R. 7.

Rule 7(b)(1), Fed. R. Civ. P., provides that "[a] ***request for a court order MUST*** be made by motion." (Emphasis added.) Defendants make no request for a court order and nakedly submit Doc. 53.

Defendants' submission is in violation of Rule 7(b)(1) and should not be considered or credited, and it should be stricken.

2. Defendants also violated L.R. 11-6.2, by failing to file a certificate of brief compliance as part of their submission, Doc. 37.

3. Defendants' other contention, that the *Cole* action has any bearing on the instant motion for preliminary injunction, is incorrect and has no merit. It is impermissibly conclusory and not fact-specific. Moreover, its assertions are incorrect and irrelevant here. (The Judge in the *Cole* case was advised of the name, number, and pendency of the instant action (and two other actions) in open court and on the record, during a motion hearing in that case, that was held on Oct. 25, 2024, when Judge Blumenfeld asked whether there were pending in the court any other Jail conditions of confinement actions pending in this court of which plaintiffs' counsel herein knew.)

4. Doc. 53 should be stricken.

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1 Respectfully submitted,
2 **YAGMAN + REICHMANN,LLP**

3 By: 
4 **STEPHEN YAGMAN**

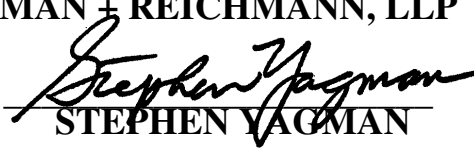
CERTIFICATE OF COMPLIANCE

(L.R. 11-6.2)

The undersigned, counsel of record for plaintiffs certifies that this brief contains 14 pages and is 265 words, which complies with both the word limit of L.R. 11-6.1, and this court's standing order.

YAGMAN + REICHMANN, LLP

By:


STEPHEN YAGMAN